



Allegaert Berger & Vogel LLP

Writer's e-mail: dberger@abv.com

ATTORNEYS

111 Broadway, 20th Floor
New York, New York 10006
212.571.0550
212.571.0555 Fax

1199 Route 22 East
Mountainside, New Jersey 07092
908.228.8500
908.228.8515 Fax

www.ABV.com

July 28, 2014

BY ECF

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007-1312

Owens, *et al.* v. Fresh Direct LLC, *et al.*
(S.D.N.Y. No. 14-cv-1909, Caproni, J.)

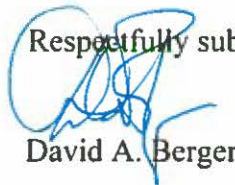
Dear Judge Caproni:

We, together with Littler Mendelson, P.C., represent Defendants Fresh Direct LLC, Jason Ackerman and David McInerney, as well as Fresh Direct Holdings, Inc. and U.T.F. Trucking, Inc. which were named as defendants in Plaintiffs' Second Amended Complaint filed on July 9, 2014 (together, "Defendants").

Pursuant to Your Honor's May 5, 2014, Order [Dkt. 27], we write to advise the Court that Defendants intend to move for summary judgment, and alternatively, for dismissal, pursuant to Rules 56 and 12(b)(6) of the Federal Rules of Civil Procedure, with respect to Plaintiffs' Second Amended Complaint.

We also wish to advise the Court that the parties began settlement discussions last week and believe that a brief stay of proceedings would be helpful while they explore further the possibility of a consensual resolution. Accordingly, Plaintiffs and Defendants jointly request that the Court stay all proceedings in this action, including the entry of a briefing schedule with respect to Defendants' anticipated motion, through August 18, 2014, to enable the parties to continue settlement discussions.

Respectfully submitted,



David A. Berger

cc: Douglas B. Lipsky, Esq. (by e-mail)
David M. Wirtz, Esq. (by e-mail)